REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	22 January 2004
Name of applicant/court:	The District Court at Manukau
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	1) Quantum 20GB Hdd\C\Unallocated Clusters JPEG
Other Known Title(s):	Not Stated
Director(s):	Not Applicable
Producer(s):	Not Applicable
Publisher:	Not Stated
Author(s):	Not Applicable
Format:	Computer Image File
Country of Origin:	Not Stated
Language(s):	Not Stated

• •

Components of film originally examined: Not Applicable.

Feature: Running Time:

Trailers: Running Time:

Total Running Time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

… Please turn over

Classification Decision:

Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

Display Conditions:

That when the publication is on public display, the classification given to the publication must be shown on the publication or any package in which the publication is kept.
.

Descriptive Note:

Not Applicable.

● ●

Direction to issue a label has been given on: Not Applicable.

● ●

SUMMARY OF THE REASONS FOR DECISION:

The computer image file entitled *1) Quantum 20GB Hdd\C\Unallocated Clusters JPEG* is classified as:
Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

The publication is a computer image file containing a colour photographic image. The photograph depicts a man engaging in what presents as sexual activity upon the emaciated body of a woman, whose face is not visible. The woman's appearance raises the question as to whether what is being depicted is an act of necrophilia. However, there is insufficient evidence to determine this. As such, the publication neither promotes or supports, nor tends to promote or support, sexual conduct with or upon the body of a dead person. In so much as it deals with matters such as sex, in that the woman's nudity (particularly her breasts) is prominent, and in that it seems to depict activity of a sexual nature, a restriction to an adult audience is necessary in order to prevent the likelihood of injury to the public good.

The criteria applied by the Classification Office resulting in the limit on the availability of this publication are prescribed by law. This classification represents the minimum interference with freedom of expression as affirmed in the New Zealand Bill of Rights Act 1990 that is consistent with preventing likely injury to the public good. It is therefore a restriction that can be demonstrably justified in a free and democratic society.

OFLC No: 301263